

**REMARKS**

Applicants' undersigned attorney thanks the Examiner for the Examiner's comments. Applicants respectfully request reconsideration of this patent application, particularly in view of the above Amendment and the following remarks. Currently, Claims 1-44 are pending, with Claims 30-44 withdrawn from consideration.

**Amendments to the Claims**

Claims 1-29 have been examined with no claims being allowed.

Claim 1 has been amended to include the limitation of using a mechanical tucking device that is separate from the conveyor to push the opposing side panels onto the body portion a distance toward one another. Similarly, Claim 14 has been amended to include the limitation of a mechanical tucking device that is separate from the at least one conveyor. Support for these limitations is provided at page 17, lines 5-24, and in Figs. 4-8. In view of the amendments to Claim 1, Applicants respectfully request cancellation of Claims 6 and 7.

No new matter has been added by this Amendment. No additional fee is due for this Amendment because the number of independent claims remains unchanged and the total number of claims has been reduced.

**Claim Rejections - 35 U.S.C. §102****A. Maxton et al.**

The rejection of Claims 1, 4, 5, and 7-13 under 35 U.S.C. §102(b) as being anticipated by Maxton et al. (U.S. Patent No. 6,497,032, hereinafter "Maxton") is respectfully traversed.

Maxton does not qualify as a prior art reference under 35 U.S.C. §102(b). The present application is a divisional of U.S. Patent No. 6,723,035, which was filed 28 September 2001. Maxton was not published until 10 January 2002. Thus, the invention in Maxton was not patented or described in a printed publication in this or a foreign country more than one year prior to the date of application for patent in the United States, as required by 35 U.S.C. §102(b).

In any case, Maxton does not anticipate Applicants' amended Claim 1. For a reference to anticipate a claim, the reference must disclose each and every element or limitation of the claim. Maxton fails to disclose the use of a mechanical tucking device *that is separate from the conveyor* to push opposing side panels onto the body portion of a garment.

For at least the reasons presented above, Applicants respectfully submit that amended Claim 1 is not anticipated by Maxton. Because Claims 4, 5, and 7-13 depend from Claim 1, these claims are also not anticipated by Maxton. Thus, Applicants respectfully request withdrawal of this rejection.

**B. Westphal et al.**

The rejection of Claims 14-20, 23, and 25-28 under 35 U.S.C. §102(b) as being anticipated by Westphal et al. (U.S. Patent No. 4,739,910, hereinafter "Westphal") is respectfully traversed.

Westphal discloses a method for inverting and/or tucking a child's training pant or the like. According to the method of Westphal, a pant garment is conveyed *sideways* between a pair of conveyor belt assemblies each in combination with a suction system. When the pant garment reaches the end of the conveyor, a plunger head pushes the garment off of the conveyor belt assemblies and into a folding and pleating cone. Once the garment is pushed through the cone, the garment is then passed onto a pair of pleating rods. The folding and pleating cone forms the garment into a somewhat flat configuration, while the pleating rods push the side portions of the garment into the body portion of the garment.

Westphal does not disclose each and every element or limitation of Applicants' Claim 1. Applicants' invention as recited in independent Claim 1 requires that the opposing side panels of the garment be pushed onto the body portion a distance toward one another while, *at the same time*, the vacuum force is holding the body portion on the conveyor. In contrast, Westphal discloses a tucking step that occurs *after* the garment is removed from the conveyor belt assemblies and suction systems.

Similarly, Applicants' invention as recited in independent Claim 14 requires the apparatus to include a device for pushing the side panels onto the body

portion while, *at the same time*, the vacuum is holding the body portion on the conveyor. In contrast, the apparatus in Westphal includes a tucking device that performs the tucking operation on a garment *after* the garment has been removed from the conveyor belt assemblies and suction systems.

More particularly, as shown in Fig. 1 and described at Col. 6, lines 1-7, of Westphal, the plunger head 148 and the folding and pleating cone 150 are disposed on opposite sides of the conveyor assemblies 32, 34. The plunger head is disposed on a first side of the conveyor assemblies and the cone is disposed on a second side of the conveyor assemblies, such that when a garment is aligned on the conveyor assemblies between the plunger head and the cone, the plunger head is then pushed from the first side into the garment, and both the plunger and the garment are then pushed into the cone on the second side of the conveyor assemblies. Since the tucking takes place on the pleating rods extending from an end of the cone opposite the conveyor assemblies, the garment is not in contact with the conveyor assemblies or the suction system when the side portions of the garment are pushed onto the body portion of the garment.

With respect to the Examiner's comments regarding Claim 20, the divergence and subsequent convergence in this distance is illustrated in Fig. 12 of the present application. More particularly, in Claim 20 the upper and lower conveyors converge toward a finishing end portion of the conveyors. In contrast, Westphal discloses just the opposite, wherein the conveyor assemblies diverge toward a finishing end portion of the conveyors (Col. 5, lines 8-11).

For at least the reasons presented above, Applicants respectfully submit that Claims 1 and 14 are not anticipated by Westphal. Because Claims 2-5 and 7-13 depend from Claim 1, and Claims 15-20, 23, and 25-28 depend from Claim 14, these claims are also not anticipated by Westphal. Thus, Applicants respectfully request withdrawal of this rejection.

**Claim Rejections - 35 U.S.C. §103****A. Maxton et al.**

The rejection of Claim 6 under 35 U.S.C. §103(a) as being unpatentable over Maxton et al. (U.S. Patent No. 6,497,032) is respectfully traversed. More particularly, Applicants have requested cancellation of Claim 6, thereby rendering this rejection moot.

**B. Maxton et al. in view of Westphal et al.**

The rejection of Claims 2 and 3 under 35 U.S.C. §103(a) as being unpatentable over Maxton et al. (U.S. Patent No. 6,497,032, hereinafter “Maxton”) in view of Westphal et al. (U.S. Patent No. 4,739,910, hereinafter “Westphal”) is respectfully traversed, particularly in view of the above Amendment and the following remarks.

As explained above, Maxton fails to disclose or suggest the use of a mechanical tucking device *that is separate from the conveyor* to push opposing side panels onto the body portion of a garment. Instead, Maxton uses helical skis *attached to the conveyor* to push opposing side panels onto the body portion of a garment. Westphal, on the other hand, uses a folding and pleating assembly to invert the garment and, using the same equipment, fold and pleat the garment.

As further explained above, Westphal fails to disclose or suggest a device for pushing side panels onto a body portion of a garment while, *at the same time*, a vacuum is holding the body portion on a conveyor. Furthermore, in Westphal, garments proceed along the conveyor assemblies with the garments arranged perpendicular to the direction in which the garments in Maxton proceed along a conveyor. Because the garments in Westphal are conveyed in a completely different orientation than the garments in Maxton, the apparatus of the two inventions necessarily differ from one another, with one of the differences being that the garments in Westphal are removed from the conveyor and suction systems prior to and separate from being subjected to a device for pushing in the side portions of the garments.

Contrary to the Examiner’s suggestion that it would have been obvious to modify Maxton’s vacuum box by using the different vacuum zone and different

force suggested by Westphal in order to fold and manufacture children's training pants or the like in an efficient and less-costly manner, there is no suggestion or motivation to a person skilled in the art to combine the teachings of Maxton and Westphal because the processes in these two references are so different from one another that a combination thereof would be repugnant to each of the references individually. Furthermore, in the process of Westphal, the garment is not maintained on a vacuum during the tucking step. In contrast, Applicants' invention includes the embodiments of different zones in the vacuum zone in order to control the side panel fold location while the side panels are being tucked. Thus, absent impermissible hindsight, there is no suggestion or motivation to dissect the vacuum configuration in Westphal, which is used simply for maintaining the garment on the conveyor, and apply this vacuum configuration to the process of Maxton for the purpose of controlling side panel fold location.

For at least the reasons given above, Applicants respectfully submit that the teachings of Maxton in view of Westphal fail to disclose or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

#### C. Westphal et al.

The rejection of Claims 24 and 29 under 35 U.S.C. §103(a) as being unpatentable over Westphal et al. (U.S. Patent No. 4,739,910, hereinafter "Westphal") is respectfully traversed, particularly in view of the following remarks.

As explained above, Westphal fails to disclose or suggest a device for pushing side panels onto a body portion of a garment while, *at the same time*, a vacuum is holding the body portion on a conveyor. Furthermore, in Westphal, garments proceed along the conveyor assemblies with the garments arranged perpendicular to the direction in which the garments in the present invention proceed along a conveyor. Because the garments in Westphal are conveyed in a completely different orientation than the garments in the present invention, the apparatus of the two inventions necessarily differ from one another, with one of the differences being that the garments in Westphal are removed from the conveyor and suction systems

prior to and separate from being subjected to a device for pushing in the side portions of the garments.

As pointed out by the Examiner, Westphal also fails to disclose either a pushing assembly including at least one tucking blade on a rotary paddle or a driven stacker assembly having at least two stacker finger units. However, the pushing assembly in Westphal is specially designed not only to tuck the sides into the garment, but also to invert the garment. It is unclear how a rotary paddle including at least one tucking blade could be used to invert a garment. Thus, it would not be obvious to substitute tucking pushing blades for Westphal's pushing means. Furthermore, even if a rotary paddle and/or a driven stacker assembly were combined with the apparatus of Westphal, there is still no suggestion or motivation to modify the apparatus of Westphal in such a manner that the side panels may be pushed onto a body portion of a garment while a vacuum is holding the body portion on a conveyor. Such a modification would require drastic changes to the method as well as to the apparatus of Westphal, none of which are suggested therein.

For at least the reasons given above, Applicants respectfully submit that the teachings of Westphal fail to disclose or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

#### D. Westphal et al. in view of Kober

The rejection of Claims 21 and 22 under 35 U.S.C. §103(a) as being unpatentable over Westphal et al. (U.S. Patent No. 4,739,910, hereinafter "Westphal") in view of Kober (U.S. Patent No. 5,300,007) is respectfully traversed, particularly in view of the following remarks.

As explained several times above, there are vast differences between the method and apparatus of Westphal and the apparatus of Applicants' Claim 14. In particular, Westphal fails to disclose or suggest a device for pushing side panels onto a body portion while a vacuum is holding the body portion on a conveyor. Instead, in Westphal the garments are released from the vacuum forces and are shaped into a semi-flattened state prior to pushing the side portions of the garment inward.

The Examiner suggests that it would have been obvious to one having ordinary skill in the art at the time the invention was made to have substituted Westphal's folding pusher and arms as shown in Figs. 10-12 by using fluid streams, as suggested by Kober. However, since the garments in Westphal are in a semi-flattened state and are not held in place with a vacuum when the side portions of the garment are pushed inward, it would be extremely difficult, if not impossible, to use the fluid streams of Kober to push the side portions inward.

Furthermore, since the garments in Westphal are conveyed along the conveyor assemblies in a sideways manner, as described above, it would be just as difficult to attempt to use the fluid streams of Kober to push the side portions of the garments inward while the garment is held on the conveyor by the vacuum forces, since such a feat would require inserting a fluid stream between the conveyor assemblies and in between garments along the conveyor path.

Additionally, Applicants' claimed method and apparatus can be used to tuck side panels in garments that are either fastened (or permanently bonded) at the sides, or in an open state. The tucking in Westphal is carried out on garments that are in a fastened (or permanently bonded) state, whereas the folding in Kober is carried out on open products, i.e., towels.

Because the method of Kober is incompatible with the method of Westphal in several ways, there is no suggestion to combine these references.

For at least the reasons given above, Applicants respectfully submit that the teachings of Westphal in view of Kober fail to disclose or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

### **Conclusion**

Applicants intend to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicants have not addressed in this response, Applicants' undersigned attorney requests a telephone interview with the Examiner.

Applicants sincerely believe that this Patent Application is now in condition for allowance and, thus, respectfully request early allowance.

Respectfully submitted,



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